

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Ortavious Hood

Plaintiff,

v.

Annett Holdings, Inc., et al.,

Defendants.

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CASE NO.:

JUDGE

**DEFENDANTS' NOTICE OF
REMOVAL OF CIVIL ACTION**

Defendant, Annett Holdings, Inc. dba TMC Transportation “Annett”), by and through counsel, hereby remove this action to federal court pursuant to 28 U.S.C. §§ 1332, 1441, and 1446. In support thereof, Defendants state as follows:

1. Jurisdiction over this action is based on the diversity of citizenship under 28 U.S.C. §§ 1332 and 1446 because it is a civil action in which (i) the amount-in-controversy exceeds \$75,000, exclusive of interest and costs; and (ii) there is complete diversity of citizenship between Plaintiff and Defendants.

CITIZENSHIP OF THE PARTIES

2. Annett and National Star Services, Inc. are named Defendants in this employment discrimination and retaliation lawsuit, captioned *Ortavious Hood v. Annet Holdings, Inc., et al.* in the Court of Common Pleas, Cuyahoga County, Ohio Case No. CV-22-968242. A true and accurate copy of the Complaint is attached hereto as Exhibit “A.”

3. Plaintiff Ortavious Hood is a citizen of Ohio. (*See* Ex. A, Compl. ¶ 1).

4. Defendant Annett Holdings, Inc. is a foreign corporation. (*See id* ¶ 2). It incorporated in Iowa, and its headquarters is in Des Moines, IA.

5. Defendant National Star Services, Inc. is a foreign corporation. (*See* Compl. ¶ 4). It is incorporated in Illinois, and its headquarters is in Palos Park, IL.

6. The requirements for diversity of citizenship under 28 U.S.C. § 1332(a) are satisfied because Plaintiff is a citizen of Ohio and Defendants are foreign corporations with their headquarters outside of Ohio.

AMOUNT IN CONTROVERSY

7. Plaintiff seeks compensatory damages against each Defendant “in an amount in excess of \$25,000 per claim.” (Compl. at p. 12 “Demand for Relief”). Additionally, Plaintiff seeks punitive damages against each Defendant “in an amount in excess of \$25,000,” along with attorneys’ fees and non-taxable costs. (*Id.*)

8. Plaintiff also seeks further nonmonetary relief in the form of a permanent injunction against Defendants imposing various funding allocation, restaffing, investigation, and training requirements, as well as an order restoring Plaintiff to “one of the positions to which he was entitled by virtue of his application and qualifications.” (*Id.* at pp. 11–12).

9. The total damages as asserted by Plaintiff and sought in his Complaint, exclusive of interest and costs, exceed \$75,000, satisfying the amount-in-controversy requirement under 28 U.S.C. § 1332(a). *See* 28 U.S.C. § 1446(c)(2).

PROCEDURAL REQUIREMENTS

10. Annett was first served with Summons and Complaint by certified mail on September 9, 2022, and National Star Service, Inc., received its Summons on September 12, 2022. *See* Docket of Cuyahoga County Case No. CV-22-968242, attached hereto as Exhibit “B.” This Notice of Removal is therefore timely filed within thirty (30) days of Defendants’ receipt of Plaintiff’s initial pleading. *See* 28 U.S.C. 1446(b).

11. National Star Services, Inc. is the only other named Defendant, and it, through counsel, has consented to removal. *See* 28 U.S.C. § 1446(b)(2)(A).

12. Pursuant to 28 U.S.C. § 1446(a), Defendant is required to file “a copy of all process, pleadings, and orders served upon” it. Attached are the additional pleadings filed in the state court. (Exhibit B). No other pleadings have been filed to date, but process papers filed with and available through the state court docket are attached as Exhibit “C.”

13. Pursuant to 28 U.S.C. § 1446(d), Defendants will promptly notify Plaintiff and the Court of Common Pleas of Cuyahoga County, Ohio, of this removal through a Notice of Filing of Notice of Removal, a copy of which is attached hereto as Exhibit “D.”

14. Defendants reserve all defenses to Plaintiff’s Complaint and the claims asserted therein.

WHEREFORE, Defendants hereby remove this case from the Court of Common Pleas of Cuyahoga County, Ohio to this United States District Court for the Northern District of Ohio, Eastern Division for all further proceedings.

DATED: October 7, 2022

Respectfully submitted,

/s/ Jonathan H. Krol

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Attorney for Defendant Annett Holdings, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certify that a true and correct copy of the foregoing was filed using the Court's electronic filing system on this 7th day of October, 2022, and served via electronic mail on the following:

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